

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2023 OCT 16 PM 1:23

Kang Lu, et al.

Plaintiffs,

v.

EXECUTIVE OFFICE OF PUBLIC SAFETY
AND SECURITY (EOPSS), and TERRENCE
REIDY, in his official capacity as Secretary of
EOPSS,

OFFICE OF THE ATTORNEY GENERAL,
and ANDREA JOY CAMPBELL, in her
official capacity as Attorney General of
Massachusetts,

Defendants.

Civil Action No. 1:23-cv-12045-AK

ACTION

FOR

DECLARATORY JUDGMENT

PLAINTIFF'S AFFIDAVIT AND ASSENT TO ACTION

1. I, Jason Gerhard, the undersigned affiant, state as follows:

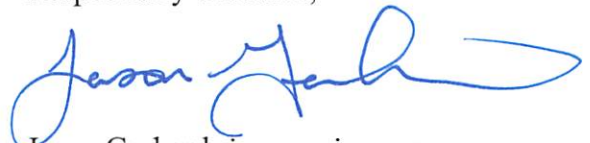
- i. I am a New Hampshire¹, residing in Merrimack County. After a thorough search of the state and federal laws, I have found no published statute or regulation prohibiting or licensing my right to keep and bear "arms for personal use," or for "defending [my life] and liberties ... and that of seeking and obtaining [my] safety and happiness," as plainly described by the text of Mass. Gen. Laws Chapter 62C, § 55A and Article I of the Massachusetts Declaration of the Rights.

¹ See **Nationalities, etc. 5.23**, page 73 of the Style Manual, 2000 edition.

- ii. Whereas, I freely exercise my right to keep and bear arms for personal use in New Hampshire, it is also my wish to exercise the same rights when in Massachusetts, as these rights are indispensable to my safety and happiness, wherever I sojourn.
- iii. Further, I have not, I do not, and I do not intend to possess or "carry a firearm, as defined in section one hundred and twenty-one of chapter one hundred and forty, ... while in the performance of ... duties," as licensed in G. L. 147, § 29, "carry[] guns in the performance of ... duties," as licensed in G. L. 147, § 29A, "carry ... weapons ... in the performance of ... duties," as described in G. L. 147, § 8A, or carry on a business as a gunsmith, or sell, rent or lease firearms, as licensed in G. L. c. 140, § 122, or to possess or carry firearms as entitled by any provision of the General Laws.
2. Because I assert a right to relief jointly with respect to a similar cause of action arising under the Constitution, where identical questions of law common to my own circumstances will arise in the declaratory relief sought; therefore, I expressly assent to, and hereby incorporate by reference the ACTION FOR DECLARATORY JUDGEMENT, filed by Kang Lu on 9/1/2023, in its entirety, and with the same force and effect as though fully set forth herein.

Dated: October 12, 2023.

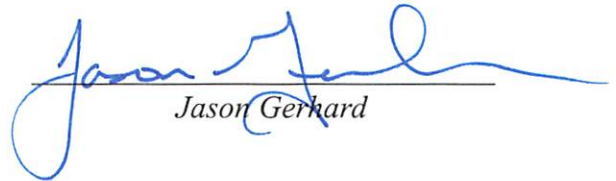
Respectfully executed,



Jason Gerhard, *in propria persona*
jason.gerhard@leg.state.nh.us
107 North Main Street
Concord, NH 03301
Phone: 603-271-3661

Certificate of Service

I certify that this Affidavit and Assent to Action was sent to the Court, Clerk's Office, Suite 2300, U.S. District Court, District of Massachusetts, 1 Courthouse Way, Boston, MA 02210 on the above date, and a copy of the same, was also sent to the defendants' counsel by email to Assistant Attorney General Angélica L. Durón at angelica.duron@state.ma.us.



Jason Gerhard